

**REMARKS**

Claims 1-8 remain in the application. Applicant respectfully requests re-examination.

The specification was objected to on the grounds that the phrase “no top” had no antecedent basis in the specification. Applicant respectfully traverses. The drawings clearly illustrate that the water flow channel structure is open and does not have a top. The cap at the closed end of the open channel is hardly a “top.”

Claim 1 was rejected under 35 U.S.C. §112 on the grounds that the phrase “no top” in the claim was ambiguous. Applicant has amended claim 1 by eliminating the “no top” phrase.

Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 2 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over *Koren* (US 6,484,952) and *Lesikar* (US 4,881,280). Applicant respectfully traverses.

The *Koren* does not show, disclose or teach “an open water flow channel having a channel floor, side walls, a first end that is closed and a second end that is open, the side walls being longer than the ends, the ends being no longer than the distance between the outside and inside edge of the top rim of the spa, the channel being embedded in the top rim of the spa with the side walls of the water flow channel being between the outside and inside edge of the top rim of the spa, and the second open end of the open water flow channel located at the inside edge of the top rim of the spa.”

Furthermore, neither *Koren* or *Lesikar* show, disclose or teach “a water access aperture in the channel floor of the open water flow channel at the closed end, allowing water to flow into the channel, at the closed end and along the channel to the open end, spilling over the inside edge of the top rim into the spa.”

Claim 2 depends from claim 1 and further recites “the water flow channel has an aperture in the channel floor at the first end of the channel, and further comprising: a light transmitting lens in the floor of the channel covering the aperture, whereby water from the access aperture flowing into the channel passes over the lens and picks up light energy passing through it.” Neither *Koren* nor *Lesikar* show, disclose or teach such a structure.

Claim 5 depends from claim 2 and further recites “a cap having a front and back with a skirt around the back. The cap located over the water access aperture in the channel floor, at the first end, directing water from the access aperture to flow over the lens in the flow of the channel.”

Neither *Koren* nor *Lesikar* show, disclose or teach such a structure.

Applicant respectfully requests that this rejection be withdrawn.

Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over *Koren* and *Lesikar* and further in view of *Lowry et al.* (US 5,608,927). Applicant respectfully traverses.

Claim 3 depends from claim 2 which depends from claim 1. Claim 3 further recites “a plurality of flow ribs located on the channel floor for guiding the water flow in a laminar manner along the length of the channel.” Neither *Koren* nor *Lesikar* or *Lowry et al.* show, disclose or teach such a structure.

Applicant respectfully requests that this rejection be withdrawn.

Claims 4 and 6-8 were rejected under 35 U.S.C. §103(a) as unpatentable over *Koren*, *Lesikar* and *Lowry et al.* and further in view of *Gaffney et al.* (US 4,823,409). Applicant respectfully traverses.

Claims 4 and 6-8 depend from claim 3 or claim 2 which depends from claim 1. Claim 4 further recites “a disruptor button have a height and a circumference, the button located at the

second end of the channel for disturbing the laminar water flow as it exits the channel and spills into the spa.” Neither *Koren, Lesikar, Lowry et al.* or *Gaffney et al.* show, describe or teach such a structure.

Claims 6-8 depend from claim 4.

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendments and remarks, applicant respectfully submits that the claims are in condition for allowance, and respectfully requests that the claims be allowed and this application passed to issue.

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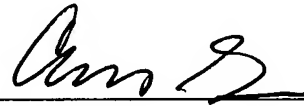
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Very truly yours,

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